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1632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Buelow, et al. Docket No.: 39691-0005
Serial No.: 09/921,819 Group Art Unit: 1632
Filing Date: August 3, 2001 Examiner: Wehbe, Anne M.
For: **PRODUCTION OF HUMANIZED ANTIBODIES IN TRANSGENIC ANIMALS**


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

- ☒ Transmitted herewith are the following documents:
- (1) Transmittal;
 - (2) Response to Restriction Requirement.
- ☒ The Commissioner is authorized to charge any required fees, or credit any overpayment to Deposit Account No. 08-1641.
- ☒ Attached is a postcard for date-stamped return as confirmation of receipt of these materials.

Respectfully submitted,

Date: October 27, 2003


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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 27, 2003


Cheryl Ann Rogers

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Buelow et al. Attorney Docket #: 39691-0005
Serial No. 09/921,819 Group Art Unit 1632
Filing Date 08/03/2001 Examiner: Wehbe, Anne M.

PRODUCTION OF HUMANIZED ANTIBODIES IN TRANSGENIC ANIMALS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In an Office Action mailed on October 3, 2003 in connection with the above-identified patent application, Applicants were requested to elect, for examination purposes, one of the following inventions:

- Invention I: Claim 1, drawn to isolated nucleic acid molecules;
- Invention II: Claims 2-12, drawn to recombinant vectors for replacing Ig gene segments;
- Invention III: Claims 13-30, drawn to transgenic vectors and methods of making transgenic vectors;
- Invention IV: Claims 31-32 and 34-45, drawn to transgenic animals and methods of making such animals;
- Invention V: Claim 33: drawn to B cells from transgenic animals;
- Invention VI: Claims 46-66: drawn to humanized immunoglobulin and methods of using the immunoglobulin to treat disease.

Invention III (claims 13-30) is hereby elected for examination, with traverse.

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In justifying the restriction requirement, the Examiner has provided reasoning as to why (a) Inventions I and II-VI; (b) Inventions II and III; (c) Inventions II/III and IV-VI; and (d) Inventions IV-VI are patentably distinct.

Applicants submit that at least Inventions IV and V should be examined along with elected Invention III in the present application.

The claims of Invention III are drawn to a transgenic vector comprising a humanized Ig locus, which is capable of undergoing gene conversion and producing a repertoire of humanized immunoglobulin in non-human animals. The claims of Invention IV concern transgenic animals comprising such humanized Ig locus. The sole claim of Group V concerns a B cell obtained from such transgenic animals.

It is easy to see that all these claims are closely related. The intended use of the transgenic vectors of Invention III, which is clearly expressed in the claims of this group, is to make the transgenic animals of Group IV, while the B cells of Invention V can be obtained only from the transgenic animals of Group IV. In view of the closely related subject matter of the claims grouped as Inventions III-V, the prior art search concerning these groups will be grossly overlapping, and can be done most efficiently if the three inventions are combined and searched the same time. As a result, searching these groups together would not place an extra burden on the Examiner, rather would improve the efficiency of the prosecution of the present application, which received its first Office Action 26 months after its filing.

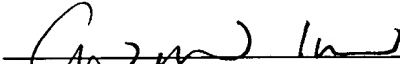
The present traversal is not on the ground and should not be construed as an admission that Inventions III-V are not patentably distinct.

Although no fees are believed to be due at this time, please charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (**Attorney Docket No.: 39691-0005**).

The Examiner's attention is respectfully directed to the Revocation of Prior Powers of Attorney and New Power filed on September 22, 2003. Please direct all future communications and any calls in connection with this application to the undersigned at the address and telephone number provided below.

Respectfully Submitted,

Date: October 27, 2003


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